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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	DCI Marketing, Inc.		
Entity	Corporation	Citizenship	Wisconsin
Address	2727 West Good Hope Road Milwaukee, WI 53209 UNITED STATES		
Attorney information	Edward E. Clair Fitch, Even, Tabin & Flannery, LLP 120 S. LaSalle Street Suite 1600 CHICAGO, IL 60603-3402 UNITED STATES trademark@fitcheven.com Phone:312 577-7000		

Registration Subject to Cancellation

Registration No	4361258	Registration date	07/02/2013
Registrant	LiveGuide, LLC 395 Guildhall Grove Johns Creek, GA 30022 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2012/10/26 First Use In Commerce: 2012/10/28 All goods and services in the class are cancelled, namely: Analysis of market research data and statistics; Collection of market research information; Computerized market research services; Conducting business and market research surveys; Market research and business analyses; Market research and market intelligence services; Market research by means of a computer database; Market research services; Market research studies; Online business research services that allow users to share opinions with a marketing research company related to everyday consumer products and services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20259-133809 Petition for Cancellation of cited LIVEGUIDE mark.pdf(72251 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Edward E. Clair/
Name	Edward E. Clair
Date	09/02/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 4361258
Trademark LiveGuide

DCI Marketing, Inc.)	
DBA DCI-Artform)	
)	
Petitioner,)	Cancellation No.
)	
v.)	
)	
LiveGuide, LLC)	
)	
Respondent.)	

PETITION FOR CANCELLATION

Petitioner, DCI Marketing, Inc., a corporation organized in the State of Wisconsin and conducting business at 2727 West Good Hope Road, Milwaukee, Wisconsin 53209, believes that it is or will be damaged by Registration No. 4361258 of the mark LiveGuide specifying the following services:

Analysis of market research data and statistics; Collection of market research information; Computerized market research services; Conducting business and market research surveys; Market research and business analyses; Market research and market intelligence services; Market research by means of a computer database; Market research services; Market research studies; Online business research services that allow users to share opinions with a marketing research company related to everyday consumer products and services.


Petitioner seeks to cancel Registration No. 4361258 on the following grounds:

1. Petitioner on November 10, 2014 filed an Application identified as Application No. 86449800 to register the mark LIVEGUIDE on the Principal Register based on use of the mark anywhere and in commerce beginning at least as early as June 26, 2009 for

Electronic advertisement and messaging display unit with multi-networking (TCP/IP) capabilities and remote connectivity; Computer applications for use in creating, distributing and managing advertising, information and messaging displays - in International Class 9; and,


Advertising and marketing consultancy; Digital advertising services; Design of advertising materials for others; Creating and updating advertising material; Creating and updating advertising for customer point of purchase display monitors - in International Class 35.

2. By reason of use of the mark and ownership of Application No. 86449800, Petitioner holds valid rights in and to the mark LIVEGUIDE for identified goods and services.

3. Petitioner on November 10, 2014 filed an Application identified as Application No. 86449819 to register the mark  on the Principal Register based on use of the mark anywhere and in commerce beginning at least as early as June 26, 2009 for

Electronic advertisement and messaging display unit with multi-networking (TCP/IP) capabilities and remote connectivity; Computer applications for use in creating, distributing and managing advertising, information and messaging displays - in International Class 9; and,

Advertising and marketing consultancy; Digital advertising services; Design of advertising materials for others; Creating and updating advertising material; Creating and updating advertising for customer point of purchase display monitors - in International Class 35.

4. By reason of use of the mark and ownership of Application No. 86449819, Petitioner holds valid rights in and to the mark  for identified goods and services.

5. Upon information and belief, the mark LiveGuide was registered July 2, 2013 on the Principal Register, Registration No. 4361258, with the records of the Patent and Trademark Office showing that the registration is presently owned by LiveGuide, LLC, a Georgia Limited Liability Company with a business address of 395 Guildhall Grove, Johns Creek, Georgia 30022.

6. On information and belief, Registrant discontinued use of the mark LiveGuide without intent to resume and abandoned any rights that it ever may have had or could have

claimed in or to the mark LiveGuide for the services specified in Registration No. 4361258 for which cancellation is sought.

7. During the examination of Petitioner's Application Nos. 86449800 and 86449819, the Patent and Trademark Office cited Registration No. 4361258 as a likely source of confusion and, therefore, Application Nos. 86449800 and 86449819 have both been initially refused registration.

8. The continued registration of Registrant's abandoned mark LiveGuide for its specified services causes damage to the Petitioner which will continue as long as Registration No. 4361258 is maintained on the Register.

REQUEST FOR RELIEF

WHEREFORE, DCI Marketing, Inc. DBA DCI-Artform respectfully requests that Registration No. 4361258 for LiveGuide be cancelled in its entirety, and that DCI Marketing, Inc. DBA DCI-Artform be awarded such further relief as the Board deems just and proper.

Respectfully submitted,

September 2, 2015

/Edward E. Clair/

Edward E. Clair
John E. Lyhus
FITCH, EVEN, TABIN & FLANNERY LLP
120 South LaSalle, Suite 1600
Chicago, Illinois 60603

Telephone 312.577.7000
Facsimile 312.577.7007

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Edward E. Clair, Attorney for Petitioner, hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served by first class mail, postage prepaid, upon:

Mr. Steve Baumgartner
LiveGuide, LLC
395 Guildhall Grv
Johns Creek, Georgia 30022-8521

Registrant

on this 2nd day of September 2015.

FITCH, EVEN, TABIN & FLANNERY LLP

/Edward E. Clair/

Edward E. Clair

John E. Lyhus

FITCH, EVEN, TABIN & FLANNERY LLP

120 South LaSalle, Suite 1600

Chicago, Illinois 60603

Telephone 312.577.7000

Facsimile 312.577.7007

Attorney for Petitioner